8147902/2023/M-III-INC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MINES & MINERALS – Major Minerals - Grant of Mining Lease for Lime Stone (CG) over an extent of 997.08 Hectares (2463.83 Acres) in various survey numbers of Dhannawada, Chinnaventurla, Vaddirala, Bestavemula, Gollapalli and G.Uppalapadu Villages, Mylavaram Mandal, YSR Kadapa District for 50 years for Captive purpose in favour of M/s Associated Cement Companies Limited – Orders – Issued.

==========

INDUSTRIES & COMMERCE (M.III) DEPARTMENT

G.O.Ms.No.121 Dated:15/11/2023

Read the following:

1. Govt. Memo No.16073/M.III(1)/2006-1, dt.22.06.2010.
2. From the Director of Mines & Geology, A.P., Vijayawada Lr.No.25242/D12-2/2002, dt.09.11.2022.
3. From the DM&G, A.P., Vijayawada Single File No.25242/D12-2/2002, dt.22.11.2022.
4. Govt.Lr.No:INC01-MG0MAJM/19/2022/M.III, dt:24.11.2022.
5. Lr.No:25242/D12-2/2002, Dt:07.12.2022 of the DM&G, A.P addressed to Mahesh Agarwal law Associates.
6. From the DM&G, A.P., Lr.No:25242/D12-2/2002, Dt:07.06.2023.
7. Govt.Lr.No:INC01-MG0MAJM/19/2022/M.III, dt:29.08.2023.
8. From the LAG, A.P., Lr.No:447/2023(Opinion No:96/2023), dt:22.09.2023.
9. From the DM&G, AP single file bearing Comp No:1902344, dt:31.10.2023

O R D E R:

In the Memo 1st read above, Government have proposed in principle(LoI) to grant of Mining Lease for Limestone (CG) over an extent of 997.08 Hectares (2463.83 Acres) in various Survey numbers of Dhannawada, Chinnaventurla, Vaddirala, Bestavemula, Gollapalli and G.Uppalapadu Villages, Mylavaram Mandal, (YSR)Kadapa District for a period of 20 years in favour of M/s. Associated Cement Companies Ltd., (ACC Ltd), subject to submission of AMP approved by the Indian Bureau of Mines along with CFE from APPCB and EC from the GoI within a period of 6 months and subject to establishing Cement Factory within 3 years from the date of grant of Mining Lease since the same is for captive purpose. The period was extended up to 22.06.2012 for submission of statutory clearances. M/s ACCL has stated that Mining Plan approved by IBM on 26.12.2011 was submitted on 10.04.2012 and requested to grant the lease.

2. While the matter stood thus, Government of India amended MM(D&R) Act, 1957 called "the Mines & Minerals (Development & Regulation) Amendment Act, 2015 which came into force on 12.01.2015" wherein section 10 of the MM(D&R) Act was also amended which deals with grant of leases for prospecting license holder pending as on date of amendment. In the meantime, the applicant company has filed W.P.No.2607/2017 before the Hon'ble High Court of AP for not granting ML in their favour even after submitting the AMP and the Hon'ble

P.T.O.

High Court ordered that "in the facts of the present case, status-quo obtaining as on today with regard to grant of mining lease in favour of any 3rd parties, be maintained." The WP is pending before the Hon'ble High Court.

3. Subsequently, Government of India amended again the MM (D&R) Act, 1957 called the Mines & Minerals (Development & Regulation) Amendment Act, 2021 which came in to force on 28.03.2021, wherein section 10 of the MM(D&R) Act was further amended. Later, the DM&G, AP., vide Letter 2nd read above and e-file 3rdread above, while referring to the Provisions in Section 10 (A) (2) (b) & (c) of the amended Act, the clarification contained in the Lr.No.7/1/2016-M.IV, dt.23.11.2016, and the Notification, dt.04.01.2017 issued by MoM, GoI, has stated that M/s.ACCL is fulfilling all conditions under the Act and entitled for grant of Mining Lease. Accordingly, M/s.ACCL made several Representations to State Govt. prior to the sunset date of 11.01.2017 stating that it has met all conditions under this clause and requested for grant of the said ML.

4. Keeping in view the request of DM&G, AP., appropriate legal opinion was sought. The DM&G, AP., vide letter 6th read above, has furnished the legal opinion, wherein it is specified, among other things, that M/s ACCL's vested right to get a Mining Lease under Section 10(A)(2) (b) and (c) of the MM(D&R) Act and execution thereof stood crystalized prior to the 2021 Amendment Act which cannot be taken away by the 2021 Amendment Act and therefore, the Company is eligible for being granted the subject Mining Lease and the same should be executed in its favour. The Learned Advocate General, AP., vide letter 8th read above, has also confirmed that the above legal opinion is in accordance with law laid down by the Hon'ble SCI as reflected in the said opinion.

5. In the e-file 9th read above, the DM&G, AP., while furnishing notarized affidavit of M/s ACC Limited affirming oath that the company undertakes to withdraw the Writ Petition No:2607/2017 filed by them after execution of the Mining Lease in their favour, has recommended the Government to grant the said Mining lease.

6. Government, after careful examination of the above facts and circumstances of the case and in due consideration of the legal opinion rendered vide letters 6th and 8th read above, and recommendation of the Director of Mines & Geology, AP., hereby grant Mining lease for Lime Stone (CG) over an extent of 997.08 Hectares (2463.83 Acres) in various survey numbers of Dhannawada, Chinnaventurla, Vaddirala, Bestavemula, Gollapalli and G.Uppalapadu Villages, Mylavaram Mandal, YSR Kadapa District for a period of 50 years for captive purpose in favour of M/s ACC Limited under Section 10 (A) (2) (b) & (c) read with Section 8 (A) (2) of MM (D&R) Act, 2015 and rule 8 (2) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, subject to satisfaction of all other terms and conditions laid down under MM(D&R) Act, Mineral (OA&HCEM) Concession Rules, 2016 & standing instructions and guidelines issued by the GoI and State Government from time to time, and subject to withdrawal of WP No:2607/2017 by the lessee company as promised in the affidavit or any other order of the Hon'ble Courts and also

Contd...

subject to following conditions:

I. The grantee shall pay the rates of royalty, dead rent, surface rent, water charges and cess etc., as applicable as per rates fixed by GoI/State Government from time to time.
II. The grantee should execute the lease deed within the time limit specified under MMDR(Amendment) Act, 2015.
III. The grantee shall establish a cement plant within a period of 3 (three) years from the date of grant orders, otherwise the lease will be cancelled.
IV. The grantee should obtain consent for Operation (CFO) before starting Mining Operations.
V. The grantee should pay necessary deposit of amount as prescribed under the existing rules before the lease is actually executed.

7. This Grant is liable for cancellation, if it is found at later date that it was grossly inequitable or was made under a mistake of fact or owing to misrepresentation or fraud in excess of authority.

8. The Director of Mines & Geology, Government of A.P., shall take necessary further action accordingly, after satisfying himself that the grantee fulfils all the required terms and conditions as stipulated in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT (MINES)

To
The Director of Mines & Geology, Ibrahimpatnam, NTR District (w.e.file).
M/s Associated Cement Companies Limited, ACC Thane Complex, LBS Marg, Thane- 400 604.
Copy to:
The Secretary to Govt. of India, Ministry of Mines, SastryBhavan, New Delhi.
The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur
The Director General, Mines Safety, Dhanbad, Jharkand.
The Regional Controller of Mines, Koti, Hyderabad.
The OSD to Minister(M&G)
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER